

RULESHA PAYNE

October 23, 2013

House of Representatives
House Judiciary Standing Committee
Anderson House Office Building
124 North Capitol Avenue
P.O. Box 30014
Lansing, MI 48909-75145555

RE: Opposition to HB 4354 (2013)

Dear House Judiciary Committee members:

My name is Rulesha Payne. I live in Grand Rapids. I work for the Michigan Education Association here in Lansing. I would like to tell you about the deaths of my niece, Jasmine Thompson, and her baby caused by the carelessness of an emergency physician and an obstetrician who refused to come to the hospital.

I urge you to vote NO on House Bill number 4394. I hope the experience of our family will explain why.

Jasmine was taken to the emergency department late in her pregnancy with severe hypertension; a condition known as pre-eclampsia. If severe pre-eclampsia is not recognized and treated, it is fatal to mother and baby. As we have learned, the only way to treat preeclampsia in a mother like Jasmine is to deliver the baby. We now know Jasmine's condition was a textbook example of preeclampsia: she had high blood pressure, protein in her urine, was short of breath and her heart was stressed. The emergency room doctor failed to diagnose Jasmine's condition instead focusing only on her breathing difficulties which she claimed was caused by pneumonia. She made no effort to manage Jasmine's blood pressure or give anti-seizure medications; actions that all responsible doctors agree are required by the standard of care.

After a significant delay, the emergency physician contacted Jasmine's obstetrician, but did not inform him of her blood pressure or the protein in her urine. She only told him about her breathing problems. The obstetrician refused to come to the hospital and insisted that Jasmine be admitted to the Hospital's Internal Medicine service. The Internal Medicine service refused to admit Jasmine because they felt she was suffering from a pregnancy related problem and needed obstetrical care. The obstetrician then tried to transfer Jasmine to an OB specialist at a hospital in Grand Rapids. Transfer was refused because Jasmine was too unstable and needed an emergent C-section to deliver the baby. Our family was never informed of these events and the obstetrician never came to the hospital.

Although there were other obstetricians available at the hospital; despite the fact that Jasmine was now in active labor with contractions, the emergency room physician decided to transfer her to another hospital anyway. The ER doctor now spoke with a different OB specialist and

convinced him to accept transfer by withholding critical information about the severe hypertension and other factors, once again focusing only on her respiratory symptoms.

Jasmine became more unstable yet the emergency physician certified Jasmine safe to be transferred, had her put in an ambulance and sent to the other hospital. En-route Jasmine suffered massive internal bleeding. By the time of her arrival at the Grand Rapids hospital Jasmine was in critical condition with seizures. A C-section was immediately performed, but it was too late. Jasmine died on the operating table. Her baby was born with severe brain damage. She was transferred to the University of Michigan and underwent months of hospitalization before she too died. Both deaths were entirely needless and preventable. Our family will never forget or recover from this tragedy.

I am not a lawyer, but I understand if the Bill you are considering today were the law, Jasmine's case would likely have been thrown out of court. Doctors are supposed to practice according to "standards of care." Replacing "standards of care" by saying that a doctor is not responsible unless he or she were "grossly negligent" is incomprehensible to me. It does nothing to promote safer health care for Michigan citizens. Instead it would do to exact opposite allowing doctors like these a free pass when they injure or kill patients.

When asked in her testimony what she had learned from Jasmine's death, the emergency doctor said she needed to get more training in caring for pregnant patients. When asked four years after Jasmine's death whether she had gotten the training, she replied "no." Please, do not give physicians like this greater incentive to practice the sloppy, careless medicine that killed two precious members of our family. Thank you for your consideration.

Very Truly Yours,

Rulesha Payne